REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 4, 6, and 7 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Entry of Amendment

At the outset, it is respectfully requested that the present Amendment should be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance. It is further submitted that the present amendments reduce the issues on appeal by combining claims and otherwise are amended to include the Examiner's suggestions with regard to overcoming language problems. Accordingly, if the Examiner does not find the application to be allowable, the present Amendment should be entered for purposes of appeal.

Claim Objection

Claim 4 was objected to by the Examiner as lacking antecedent basis. By way of the present Amendment, claim 4 has been amended to utilize the Examiner's suggestion in regard to this phrase.

Claim Rejection Under 35 U.S.C. § 112

Claim 4 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite. This rejection is respectfully traversed. The Examiner states that the final line of the claim is indefinite because the specific data is not described. By way of the

present Amendment, this data has been specified to include all four types of listed data. Accordingly, this rejection is believed to be overcome.

Rejection Under 35 U.S.C. § 102

Claims 4-8 stand rejected under 35 U.S.C. § 102 as being anticipated by Summers et al. (U.S. Patent No. 3,855,456). This rejection is respectfully traversed.

It is first noted that claims 5 and 8 have been cancelled and their limitations incorporated into claims 4 and 6. Accordingly, the rejection of claims 5 and 8 is rendered moot by their cancellation.

The Examiner has correlated various steps or elements of the claims with various lines of the Summers et al. reference. Thus, the storing of the operating state data for a second number of time intervals has been correlated by the Examiner to the discussion in the reference at column 12, lines 17-28. Applicants have reviewed this section of the reference and did not see any disclosure which matches that described in this section of the claim. This section of the reference does discuss certain logs relating to turbine-trip analysis but does not describe storing data for a second number of time intervals less than the first number after a failure.

Furthermore, in regard to claims 5 and 8 which have now been incorporated into claims 4 and 6, the Examiner refers to column 14, lines 3-30. While this section describes the entry of data from transducers and other sensors, there is no statement that data is stored at a starting point in each control step. Accordingly, Applicants submit that the Examiner has not met his burden of showing how these two steps are shown in the reference. In view of this, Applicants submit that claim 4 is allowable over this reference.

Claim 6 relates to an apparatus which corresponds to the method of claim 4. Likewise, Applicants submit that claim 6 is allowable over this reference.

Claim 7 depends from claim 6 and as such, is also considered to be allowable.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patent relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

If the Examiner has any questions concerning this application, he is requested to contact Robert F. Gnuse, Reg. No. 27,295, at (703) 205-8000 in the Washington, D.C. area.

703 205 8067

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: _____

Michael K. Mutter
Reg. No. 29,680
P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Gnuse

MKM/RFG/ags
Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKING TO SHOW CHANGES MADE

IN THE CLAIMS:

Please cancel claims 5 and 8 without prejudice or disclaimer of the subject matter contained therein.

Claims 4 and 6 have been amended as follows:

4. (Amended) A method of monitoring an operation of a thermal device, comprising:

detecting data on operating states of said thermal device;

storing said detected data at specified time intervals along with time of detection as first operating state data, wherein a first number of operating state data are stored in sequence so that when a new operating state data is added, [the] an oldest operating state data is dropped;

storing detected data as failure data when a failure occurs in said thermal device along with the time of failure;

storing second operating state data for a second number of time intervals less than said first number of time intervals after the failure; [and]

storing third operating state data at a starting point at each control step; and

outputting said stored first, second and third operating state data and failure data.

6. (Amended) An apparatus for monitoring an operation of a thermal device, comprising:

detectors for detecting operating states of said thermal device;

a processor for receiving outputs from said detectors;

a storage device connected to said processor for receiving data based on said outputs from said detectors along with a time of detecting as operating state data at specified time intervals, a first number of time intervals being stored so that when a new operating state data is added, [the] an oldest operating state data is dropped;

said storage device also storing data when a failure occurs along with the time of failure, wherein operating state data continues to be stored for a second number of time intervals smaller than said first number of time intervals after the failure; [and]

wherein said storage device also stores operating state data at a starting point of each control step; and

an output device used for outputting data from said storage device.